



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 183
[2005 Assembly Bill 1073]

**Medical Malpractice Limit on
Noneconomic Damages**

Prior statutes provided that if a defendant in a medical malpractice case was required to pay noneconomic damages, the amount of those damages was limited to \$350,000, adjusted annually to reflect changes in the Consumer Price Index. The limit had been adjusted to \$445,755 when, in 2005, the Wisconsin Supreme Court held that the limit was unconstitutional.

2005 Wisconsin Act 183 creates a limit of \$750,000 on noneconomic damages for each occurrence of medical malpractice. This limit applies to malpractice acts or omissions occurring on or after April 6, 2006. The Act sets forth the objective of the limit and the means of accomplishing the objective, including citations to various reports and studies. The Act also sets forth various legislative findings.

The Act requires the Board of Governors of the Injured Patients and Families Compensation Fund and the mandatory health care liability risk-sharing plan (Wisconsin Health Care Liability Insurance Plan) to submit a report to the Legislature by January 1 of every odd-numbered year of any recommended changes to this limit. If change is recommended, the report must include the reasons why the changes are necessary to meet the intent of legislative findings set forth in the Act.

Effective Date: April 6, 2006

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.